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26 JUL 2007

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LEWISVILLE, TEXAS 75056

In re Application of
PAULINE HARDY et al.
Application No.: 10/561,293
PCT No.: NONE
Deposit date: 20 December 2005
Attorney Docket No.: None
For: BOAT LATCH

DECISION ON RESPONSE

This application is before the Office of PCT Legal Administration for issues arising under 35 U.S.C. 371.

On 20 December 2005, applicant filed a Transmittal Letter (Form PTO-1390) for entry into the national stage in the United States which identified an Australian patent application AU 20044900602. The papers submitted included a specification entitled Boat Latch, claims and drawings and a certified copy of an Australian provisional application. The basic national fee, search fee and examination fee were also paid, totaling to \$500. On 02 March 2007, applicant filed a copy of the papers originally filed.

Applicant used Form PTO-1390, entitled "Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Submission under 35 U.S.C. 371". This form is used when applicant has filed an international application and wishes to file that application, entering the U.S. national stage. It is not the transmittal letter used to file a regular utility application in the U.S. under 35 U.S.C. 111(a).

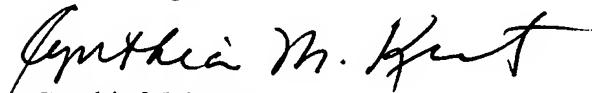
A review of the application papers reveals that the Transmittal Letter and other papers do not identify a PCT international application. The Transmittal Letter (Form PTO-1390) used by applicant identifies an Australian application "AU20044900602". An Australian application does not entitle applicant to submit his patent application under 35 U.S.C. 371, which is reserved for the U.S. national stage of a PCT international application.

In order to continue processing the papers as a national stage application, applicant must submit a petition under 37 CFR 1.182 to correct the error in the Transmittal Letter (Form PTO-1390) submitted on 20 December 2005 and provide the correct PCT number for his international application. This petition must be accompanied by the \$400 petition fee and a corrected version of the Transmittal Letter (Form PTO-1390).

If applicant determines that a national stage application is not applicable, then applicant should file a petition under 37 CFR 1.182. This petition must be accompanied by the \$400 petition fee and provide instructions to handle the papers filed on 20 December 2005 as a U.S. patent application under 35 U.S.C. 111(a).

✓ Applicant is given TWO (2) MONTHS from the mail date of this Communication to submit the required petition. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, VA 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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